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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,825	10/31/2001	K. Douglas Gennetten	10010053-1	4736

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

GRAY, DAVID M

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/003,825

Applicant(s)

GENNETTEN ET AL.

Examiner

David M Gray

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicant has removed the Udom reference as prior art by stating that Udom and the instant application “were subject to an obligation of assignment to the same legal person when the inventions were made.”

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 9 and 12 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by McIntyre et al.

4. The digital memory 36 meets the claimed “memory for storing at least one camera setting in association with a particular user.” The speech recognition chip 21 meets the claimed “physical attribute sensor for identifying the user.” And the camera system microcontroller 23 meets the claimed “processor for controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified.”

5. Applicant argues “Nowhere does McIntyre describe receiving or storing camera settings in association with a particular user, or controlling the camera according to those settings when that user is later identified.” McIntyre et al. states “digital memory 36 is used to store camera programs along with passwords that may be changed from time-to-time”, column 3, lines 45-47.

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And McIntyre et al. states the "camera's memory stores trained patterns of the same word along with a privilege definition table which tracks recognized authorized users and their privilege levels" column 5, lines 43-45. These "authorized level of access" clearly are settings that control the camera's function. And they are clearly stored "in association with a particular user."

6. The term "camera settings" is not limited as desired by applicant. It is patently clear that the different levels of privileges disclosed by McIntyre et al. requires setting the camera control circuitry to perform only those authorized actions. And it is clear that such settings must be stored in memory in order to be associated with the identified user.

7. The voice recognition performed by McIntyre et al. identifies a "unique physical attribute of the user."

8. Claims 1, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17 and 18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Steinberg et al.

9. Regarding claim 1, the memory 42 of Steinberg et al. meets the claimed "memory for storing at least one camera setting in association with a particular user." The so-called setting is readable on the stored number of images or time associated with a particular user. The biometric data acquisition 147, see also figures 11 and 12, meets the claimed "physical attribute sensor."

And the processor 32 meets the claimed "processor for controlling the camera."

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 5, 7, 10, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. in view of Suzuki et al

12. Steinberg et al. differs from the claimed invention in that Steinberg et al. only discloses controlling the number of images or length of time for an identified camera user. Steinberg et al. discloses that more than one user can be provided controlled access to a camera.

13. Suzuki et al. teaches providing a camera, with multiple users, the ability to establish custom modes of operation controlling the cameras functions that are activated by entering a personal code identifying the user. The personal code is also used to secure the custom mode in order to prevent other users from using the custom mode, see column 3, lines 3-15.

14. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Steinberg et al. to include the custom modes of Suzuki et al. One modifying Steinberg et al. to include the custom modes of Suzuki et al. would have readily seen that the camera user is always identified by the biometric sensor and realize that a dial to enter a user code would be superfluous. Additionally one of ordinary skill would see that all control functions of the digital camera would be included in the options of custom modes for the Steinberg et al. camera. One would have been motivated to so modify Steinberg et al. to simplify camera operations as only those modes desired by a particular user would be present.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. The Anderson et al. reference is cited for its disclosure of selectively storing and retrieving control parameters in a digital camera.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 703-308-1698. The examiner can normally be reached on M-T & T-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read 'David M Gray', with a large, stylized loop at the end.

David M Gray  
Primary Examiner  
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